UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,300	12/08/1999	TAKASHI HASEGAWA	520.37971X00	6276

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ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/456,300	HASEGAWA, TAKASHI
	Examiner	Art Unit	
	Christopher O. Onuaku	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 October 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date 12-8-05 // 11/17/04

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claim1-9 filed 10/18/04 have been fully

considered but they are not persuatsive.

Applicant argues that that Berstis et al and Yoshinobu et al fail to disclose such

limitations as automatic broadcast program recorder arrangements wherein keywords

(preliminarily designated by the user) are stored in association with reservation

identifiers, programs are automatically selected based on program information and the

key words; the selected programs are stored in association with the reservation

identifiers, and the selected programs stored in association with the reservation

identifiers are displayed in response to user input. Examiner disagrees

In response, Berstis discloses automatic broadcast program recorder

arrangements. For example, Berstis discloses a data processing system employed in

conjunction with the "server push" network technique in which a data stream is

transmitted to a subscribing client without intervation by the client. The data stream is

monitored for user0defined data items. When detected, the data processing

automatically controls the appropriate record/playback device to record a broadcast

associated with the detected data item (see Abstract).

Berstis discloses wherein keywords (preliminarily designated by the user) are

stored in association with reservation identifiers. For example, Berstis discloses in

column 4, lines 18-65, a user interface 300 of Fig.3 may be provided to allow a user to

control a data processing system including a connection to and control over an infrared

emitter in the programmed control of remote controlled record/playback. With the user

interface, a user can enter such program information (reservation information) as

program data, time and channel. With the user interface a user enter keywords or other

such data items as VCR programming codes, and these keywords and program

information may be utilized for automatically recording broadcasts.

Berstis discloses wherein programs are automatically selected based on program

information and the key words; and the selected programs are stored in association with

the reservation identifiers. In column 5, lines 17-51, Berstis discloses receiving a data

stream as part of a server push, wherein when the client receives data stream

transmitted by the server push which depicts searching the data stream for key data

items, such as user-selected keywords or VCR programming codes, within the data

stream, and when key data is detected, the record/playback device is controlled to

record a program associated with the key data item detected in the data stream. And

the program is recorded based on the beginning time and end time of the program

(program information/reservation identifiers).

Berstis et al fail to explicitly disclose wherein the selected programs stored in

association with the reservation identifiers are displayed in response to user input.

However, Yoshinobu teaches in column 24, lines 18-25 the program reservation

memory 115 and the search section 114 of Fig.14 which writes the reserved program

title, broadcasting start and end time into the program reserve memory 115. In col.30,

lines 37-63, Yoshinobu further teaches wherein when the user operates the remote

controller 90, reserved programs and program (reserve) information are displayed as a

list, as shown in Fig.22A&22B, for example.

Furthermore, applicant's other arguments with respect to claims 1-9 are moot in

view of new grounds of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Berstis et al (US 6,212,327) in view of Yoshinobu et al (US 5,686,954) and further in

view of Kinebuchi (US 5,802,244).

Regarding claim 1, Berstis et al disclose utilizing a computer to control record

programming in remote controlled record/playback devices in connection with a server

push mechanism, comprising:

a) means for storing keywords preliminarily designated by a user (see user

interface 300; col.4, line 19 to col.5, line 8);

b) means for collecting broadcast program information related to the broadcast

programs (see emitter device 226 of the data processing system 200; col.4, lines 1-18);

c) control means for automatically selecting programs to be recorded by checking

the broadcast program information with the keywords and storing video data of the

programs to be recorded into a video recording file by controlling a receiver (see Fig.4B;

col.5, lines 18-37);

d) wherein the keyword storing means stores each keyword so as to be

associated with a reservation identifier (see col.4, line 19 to col.5, line 8); and

e) wherein the control means stores the broadcast program information of the

selected program to be recorded in association with the reservation identifier and

controls the video data stored in the video recording file of the selected program in

association with the reservation identifier (see Fig.4B&4C; col.5, lines 18-65).

Berstis et al fail to explicitly disclose wherein the control means displays the

programs in the video recording file associated with the reservation identifier on a

display in response to the user's input.

Yoshinobu et al teach a program information broadcasting system for

broadcasting information of the kinds of each of programs to be broadcast and

information of elements included in a program such as a performer, a program

information display method for receiving the program information broadcast by the

broadcasting system and display the same on a display screen, as well as a receiving

device such as a television receiver. Yoshinobu teaches in column 24, lines 18-25 the

program reservation memory 115 and the search section 114 of Fig.14 which writes the

reserved program title, broadcasting start and end time into the program reserve

memory 115. In col.30, lines 37-63, Yoshinobu further teaches wherein when the user

operates the remote controller 90, reserved programs and program (reserve)

information can be displayed as a list, as shown in Fig.22A&22B, for example.

It would have been obvious to modify Berstis by providing the display means of

Berstis with the means to display the programs in the video recording file associated

with the reservation identifier on the display means in response to a user's input, as

taught by Yoshinobu, since this provides the desirable advantage of allowing the user to

easily read the programs displayed and make a desired program selection.

Furthermore, Berstis et al and Yoshinobu et al fail to explicitly disclose wherein a

reservation identifier is different from information of the broadcast program information.

Kinebuchi teaches a video recording device constructed such that a user can

reserve a desired program from some TV broadcasting programs and record the

program automatically, wherein in reserving programs, numbers ranging from "1" to the

maximum number of "8" are set for each of the program reservations to enable each of

the program reservations to be identified and these numbers are called as a reservation

number (see col.4, lines 37-48).

From the discussions above, Berstis discloses program information such

recording time, program channel, program starting and end times, etc, (see col.1, lines

1-18), which is different from the reservation number of Kinebuchi.

It would have been obvious to further modify Berstis by realizing Berstis with the

means set program reservation numbers for programs that are different from program

information, as taught by Kinebuchi, to enable each of the program reservations to be

identified and these numbers are called as a reservation number.

Regarding claim 2, Berstis discloses wherein the program information includes

channel identifying information and program time information of the program to be

recorded, and the control means controls an output of the receiver on the basis of the

channel identifier information and the program time information, and stores the received

video data into the video recording file (see claim 1 discussions, and also col.4, lines

27-43).

Regarding claim 3, Berstis discloses:

a) a receiver for receiving video information of a plurality of channels and

broadcast program information and selectively outputting the broadcast program

information and a video signal of a specific channel (see Fig.2 and data processing

system 200; col.3, line 1 to col.4, line 18);

b) storing means for storing the video information outputted from the receiver

(see non-volatile memory 216; col.3, lines 30-41;

c) display means (see col.3, lines 14-17);

d) data entry means operated by the user (see Fig.2; keyboard 220, pointing

device 222 and infra red emitter 226; col.3, lines 18-67)

e) a recording control processor connected to the receiver and each of the

storing means, display means and data entry means (see Fig.2, data processing system

200; col.3, line 1 to col.4, line 18);

f) wherein the data recording control processor has a memory for storing

keywords entered from the data entry means, selects video data of programs to be

automatically recorded by checking the broadcast program information outputted from

the receiver with the keywords and automatically stores the video data of programs into

the storing means by controlling the receiver and storing means based on the broadcast

program information of the selected video data(see claim 1 discussions);

g) wherein keyword entered from the data entry means are stored so as to be

associated with a reservation identifier into the memory and controls the video data

stored in the storing means in association with the reservation identifier (see col.4, lines

19-43; and col.5, lines 9-65).

Berstis et al fail to explicitly disclose wherein the control means displays the

programs in the video recording file associated with the reservation identifier on a

display in response to the user's input.

Yoshinobu et al teach a program information broadcasting system for

broadcasting information of the kinds of each of programs to be broadcast and

information of elements included in a program such as a performer, a program

information display method for receiving the program information broadcast by the

broadcasting system and display the same on a display screen, as well as a receiving

device such as a television receiver, wherein when a user inputs a request for the

display of the program schedule, for example, by operating the menu button 94, this

information is processed by the control section 110, and the program schedule is

displayed on the display section 74, as shown in Fig.15. The programs on the display

section as shown in Fig.15 shows the programs and the program reservation identifiers

(i.e., beginning and end time for each program, for example).

It would have been obvious to modify Berstis by providing the display means of

Berstis with the means to display the programs in the video recording file associated

with the reservation identifier on the display means in response to a user's input, as

taught. By Yoshinobu, since this provides the desirable advantage of allowing the user

to easily read the programs displayed and make a desired program selection.

Furthermore, Berstis et al and Yoshinobu et al fail to explicitly disclose wherein a

reservation identifier is different from information of the broadcast program information.

Kinebuchi teaches a video recording device constructed such that a user can

reserve a desired program from some TV broadcasting programs and record the

program automatically, wherein in reserving programs, numbers ranging from "1" to the

maximum number of "8" are set for each of the program reservations to enable each of

the program reservations to be identified and these numbers are called as a reservation

number (see col.4, lines 37-48).

From the discussions above, Berstis discloses program information such

recording time, program channel, program starting and end times, etc, (see col.1, lines

1-18), which is different from the reservation number of Kinebuchi.

It would have been obvious to further modify Berstis by realizing Berstis with the

means to set program reservation numbers for programs that are different from program

information, as taught by Kinebuchi, to enable each of the program reservations to be

identified and these numbers are called as a reservation number.

Regarding claim 4, the claimed limitations of claim 4 are accommodated in the discussions of claims 2&3 above.

Regarding claim 5, Berstis discloses wherein the recording control processor displays the status of video data stored in the storing means in association with the reservation identifier (see col.3, lines 30-41).

Regarding claim 6, Berstis discloses wherein the recording control processor displays the status of video data stored in the storing means in a figure corresponding to the reservation identifier in a graphical form on the display means (see col.3, lines 30-41).

Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discussions of claims 1,2&3 above. It is pertinent to note that the claimed tables are included in the storing locations/addresses of the program information and keywords, and wherein the stored keyword is additionally a program information.

Regarding claim 8, Berstis discloses wherein the receiving means receives multiplexed signals including video information and program information of a plurality of channels and the collecting means receives program information from the receiving means (see col.3, lines 30-41 and col.4, line 53 to col.5, line 37).

Regarding claim 9, Berstis discloses wherein the control processor displays the status of the video information stored in the storing means so as to be associated with the reservation identifier in a graphical form in the fifth program (see col.3, lines 30-41).

Regarding claim 10, Berstis et al wherein the data stream is user-defined (see Abstract). Berstis et al further disclose wherein the keywords are user-selected in order to facilitate the selection of programs that include the user-selected keywords (see col.5, lines 18-29). As discussed in claim 1 above, Kinebuchi teaches assigning reservation numbers to reserved programs.

Berstis et al, Yoshinobu et al and Kinebuchi fail to explicitly disclose wherein the reservation identifier is a user-defined identifier selected by a user.

However, following the discussions above, Berstis modified with Kinebuchi, it would have been obvious for the user to user-define and select the reservation identifier, as in Kinebuchi, in order, for example, to satisfy a user specific design consideration.

Regarding claim 11, Kinebuch further teaches wherein the reservation identifier is a sequential number (see col.5, lines 28-37), wherein in a reservation mode, each of the reservation programs with the reservation numbers "1' to "8" is detected in sequence from a lower reservation number.

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 10 above.

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claim 11 above.

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claim 10 above.

Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claim 11 above.

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from this

examiner should be directed to Christopher Onuaku whose telephone number is (703)

308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30

am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's

supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

and (for informal or draft communications, please label "PROPOSED" or

"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should

be directed to Customer Service whose telephone number is (703) 306-0377.

COO

1/28/05

ROBERT CHEVALIER

PRIMARY EXAMINER